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Released: May 11, 2001

1. The Commission has before it for consideration a counterproposal filed by D&B and Fort Bend Broadcasting Company ("Fort Bend") in response to the Notice of Proposed Rule Making and Order to Show Cause in this proceeding, 15 FCC Rcd 10292 (2000). In its counterproposal, Fort Bend requests numerous channel substitutions including the substitution of Channel 254A for Channel 292A at Ludington, Michigan. We are issuing this Order to Show Cause to the licensee of Station WKLA, Ludington, to allow us to select between competing proposals filed in this proceeding.

2. The Notice in this proceeding proposed the allotment of Channel 260C2 at Cheboygan, Michigan, and the substitution of Channel 292C2 for Channel 260C2 at Rogers City, Michigan. The Notice was issued in response to a petition filed by Escanaba License Corp. ("Escanaba"). Northern Radio Network Corporation ("NRN") counterproposed the allotment of Channel 292C2 at Onaway, Michigan, and the allotment of alternate Channel 249C3 at Cheboygan, Michigan. Fort Bend counterproposed the substitution of Channel 260C2 for Channel 261A at Bear Lake, Michigan, and reallocation of Channel 260C1 to Bellaire, Michigan. To accommodate the proposal for Bellaire, Fort Bend further requested the substitution of Channel 292C2 for Channel 260C2 at Rogers City, Michigan, substitution of Channel 293A for Channel 255A at Walhalla, Michigan, allotment of Channel 259A at Rapid River, Michigan, allotment of Channel 291A at Bear Lake, Michigan, substitution of Channel 265A for Channel 260A at Manistique, Michigan, and the substitution of Channel 254A for

The communities of Bear Lake, Bellaire, Rapid River, Manistique, Ludington, Walhalla and Onaway, Michigan, have been added to the caption.

Channel 292A at Ludington, Michigan.²

3. In order to proceed with our analysis of the counterproposals and the ultimate resolution of this proceeding, it is first necessary to issue this Order to Show Cause directed to Lake Michigan Broadcasting, Inc. to show cause why its license for Station WKLA, Ludington, Michigan, should not be modified to specify operation on Channel 254A in lieu of Channel 292A. Section 316(a) of the Communications Act of 1934, as amended, permits us to modify a license or construction permit if such action is in the public interest. Section 316(a) requires that we notify the affected station of the proposed action, the public interest reasons for the action, and afford at least 30 days to respond. This procedure is now set forth in Section 1.87 of the Commission's Rules. See Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act, 2 FCC Rcd 3327 (1987). In this instance, the substitution of Channel 254A at Ludington will accommodate the allotment of Channel 293A at Walhalla, Michigan, and the allotment of Channel 291A at Bear Lake, Michigan.

4. The license for Station WKLA, Ludington, Michigan, can be modified to specify operation on Channel 254A at its existing licensed transmitter site.³ Fort Bend has acknowledged its responsibility to reimburse Station WKLA, Ludington, Michigan, for the reasonable costs in changing frequency.

5. Accordingly, IT IS ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, Lake Michigan Broadcasting, Inc., licensee of Station WKLA, Ludington, Michigan, SHALL SHOW CAUSE why its license should not be modified to specify operation on Channel 254A in lieu of Channel 292A.

6. Pursuant to Section 1.87 of the Commission's Rules, Lake Michigan Broadcasting, Inc. may, no later than July 2, 2001, file a written statement showing with particularity why its license should not be modified as proposed in this Order to Show Cause. The Commission may call upon the licensee to furnish information. If this party raises a substantial and material question of fact, a hearing may be required to resolve such question of fact pursuant to Section 1.87 of the Rules. Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification or set the matter of modification for hearing. If no written statement is filed by the date referred to above, the party will be deemed to have consented to a modification as proposed in this Order to Show Cause and a final Order will be issued if the proposed modifications are found to be in the public interest.

7. IT IS FURTHER ORDERED, That a copy of this Order to Show Cause be sent By Certified

2. An order to show cause was directed to the licensee of Station WHAK, Rogers City, Michigan, in the Notice. New allotments will be made at Bear Lake, Michigan and Rapid River, Michigan. The allotment at Walhalla, Michigan is vacant and one application is on file for Channel 260A at Manistique. Should the counterproposal be adopted, Fort Bend has made a commitment to reimburse the licensee at Rogers City for expenses associated with changing channels.

³ The coordinates for Channel 254A at Ludington are 44-03-27 and 86-24-58.

Mail, Return Receipt Requested, to the following:

Lake Michigan Broadcasting, Inc.
Radio Station WKLA
215 Harbor Drive
Ludington, Michigan 49431

8. For further information concerning this proceeding contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180. For purposes of this restricted notice and comment rule making proceeding, members of the public are advised that no ex parte presentations are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the proceeding has been decided and such decision is no longer subject to reconsideration by the commission or review by any court. An ex parte presentation is not prohibited if specifically requested by the Commission or staff for the clarification or adduction of evidence or resolution of issues in the proceeding. However, any new written information elicited from such a request or a summary of any new oral information shall be served by the person making the presentation upon other parties to the proceeding unless the Commission specifically waives this service requirement. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an ex parte presentation and shall not be considered in this proceeding.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

